

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LG CORPORATION, et al.,
Plaintiffs,

V.

HUANG XIAOWEN DBA TOP-UUSHOP, et al.,

Defendants.

Case No. 3:16-cv-1162-JLS-NLS

ORDER GRANTING JOINT MOTION TO STAY DISCOVERY PENDING RESOLUTION OF N&K TRADING'S MOTION TO DISMISS

(Dkt. No. 133)

Before the Court is Plaintiffs' and Defendant N&K Trading, Inc.'s Joint Motion to Stay Discovery Pending Resolution of N&K Trading's Motion to Dismiss. (Dkt. No. 133.) N&K Trading argues a stay of discovery is warranted because the motion to dismiss is potentially dispositive and, if granted, would dismiss Plaintiffs' claims against it. (Id. at 2.) Plaintiffs strongly disagree that N&K Trading's motion has any likelihood of success, but argues a stay is nonetheless warranted because it will conserve the parties' resources. (Id. at 3.)

Courts have broad discretionary power to control discovery. *See Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). A pending dispositive motion by itself is not enough to justify a stay of discovery; however, stays may be appropriate when jurisdiction, venue or immunity are at issue. *Ciuffitelli v. Deloitte & Touche LLP*, 2016 U.S. Dist. LEXIS 163546, *14-*16 (D. Or. Nov. 28, 2016). Courts may also

1 employ different methods and evaluate factors to determine whether a stay is
2 appropriate. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011).

3 In considering the parties' arguments and evaluating factors relevant to the
4 present inquiry, the Court finds good cause to issue an order staying discovery. The
5 Court took a preliminary peek at N&K's pending motion to dismiss, and notes that the
6 motion raises challenges to personal jurisdiction. Additionally, given Plaintiffs' and
7 N&K's representations that they are the only remaining active litigants in the case
8 because the rest have either defaulted or settled, a stay on discovery would not appear
9 to affect any other parties. A stay of discovery will also conserve the parties'
10 resources, and Plaintiffs state they would not be prejudiced by a stay because they
11 may immediately resume discovery if N&K Trading's motion is denied.

12 Accordingly, the Court **GRANTS** the parties' joint motion. It is **ORDERED**
13 that discovery is **STAYED** pending a ruling on N&K Trading, Inc.'s Motion to
14 Dismiss. The parties must contact the undersigned's chambers within three days of a
15 ruling to discuss whether any dates and deadlines in the scheduling order need to be
16 reset.

17 **IT IS SO ORDERED.**

18 Dated: February 23, 2017



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20 Hon. Nita L. Stormes
21 United States Magistrate Judge
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